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Richard S. MacMillan
MacMillan, Sobanski & Todd, LLC
One Maritime Plaza, Fourth Floor
720 Water Street
Toledo, OH 43604

EXAMINER	
MALHOTRA, SANJEEV	
ART UNIT	PAPER NUMBER
3694	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/623,478	JODER ET AL.	
	Examiner	Art Unit	
	SANJEEV MALHOTRA	3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 May 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Request for Continued Examination (RCE)

1. This Office Action is in response to the Request for Continued Examination (RCE) and remarks/ arguments/ amendments to claims filed on May 12, 2008 for the original application titled: "Method, Apparatus and System for Quality Performance Evaluation of a Supplier Base". Receipt is acknowledged of a Request for Continued Examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) and a submission, all filed on May 12, 2008.

Status of Claims and Previous Objections

2. Per the claim amendments submitted on May 12, 2008 along with the RCE request, it is acknowledged that Claims 1 to 16 are currently pending in this application. Examiner notes that Claims 1-3 and 6-7 have been currently amended per the "Amendments to the Claims" submitted on May 12, 2008.

3. The previous Abstract Objections are hereby withdrawn based on the Abstract amendments submitted by the applicant on May 12, 2008.

4. The previous Specification Objections are hereby withdrawn based on the clarifications submitted in applicant's response submitted on May 12, 2008.

5. The previous Priority Date Claim Objections are hereby withdrawn based on the claim amendments submitted by the applicant, and Examiner notes that this withdrawal is based on deleting the word "converting" from the independent Claim 1, on May 12, 2008 that was not found in the earliest filed provisional application.

6. The previous Claim Objections are hereby withdrawn based on the 'Amendments to the Claims' submitted with the applicant's RCE request on May 12, 2008.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1-3, 8, and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKay, et al. vide Publication No. US 2002/ 0082891 filed on December 27, 2000 and titled: "Method and System for Gathering and Disseminating Quality Performance and Audit Activity Data in an Extended Enterprise Environment" (hereinafter "McKay") in view of US Patent No. 6,760,731 issued to Kent W. Huff and filed on March 15, 2001 that is claiming priority from March 15, 2000 and titled: "Genealogy Registry System" (hereinafter "Huff").

Claim 1:

With respect to Claim 1, McKay teaches "a method of generating information regarding the quality of performance of a plurality of suppliers that each supply products to a vendor," (see atleast McKay Abstract and Summary, and paras [0012], [0028] and [0031])

"gathering data regarding the quality of performance of the plurality of suppliers from a plurality of different computer databases;" (see atleast McKay Abstract and Summary, and paras [0012], [0028] and [0031])

McKay teaches as disclosed above, but it does not teach about gathering data from a plurality of different computer databases. However, Huff teaches it. (see atleast Huff Abstract and Summary, and FIG. 1 and FIG. 2, and their text description)

It would have been obvious to an ordinary person of skill in the art at the time invention was made to modify the teachings of McKay with those of Huff about gathering data from a plurality of different computer databases. The motivation to combine these references would be to provide a more efficient, timely, and effective method for gathering data from a plurality of different computer databases.

"storing the gathered data from the plurality of different computer databases in a central controller;" (see atleast McKay Abstract and Summary, and paras [0012], [0015]—[0017], [0027]—[0028], and [0030])

"translating the stored data in the central controller into a single database;"

(see atleast McKay Abstract and Summary, and paras [0015], [0027]—[0028] and [0030]—[0031])

McKay teaches as disclosed above, but it does not teach about gathering data from a plurality of different computer databases and translating. However, Huff teaches it. (see atleast Huff Abstract and Summary, and FIG. 1 and FIG. 2, and their text description, and C 3, ~L 17-34; C 5, ~L 26-31; and C 11, ~L 29 to C 12, ~L 13)

It would have been obvious to an ordinary person of skill in the art at the time invention was made to modify the teachings of McKay with those of Huff about gathering data from a plurality of different computer databases and translating. The motivation to combine these references would be to provide a more efficient, timely, and effective method for gathering data from a plurality of different computer databases.

"manipulating the single database to generate information regarding the quality of performance of the plurality of suppliers." (see atleast McKay Abstract and Summary, and paras [0012], [0015], [0028], & [0030]—[0031])

Claim 2:

With respect to dependent Claim 2, McKay teaches a method of "gathering data regarding the quality of performance of the plurality of suppliers in a plurality of different computer databases that are incompatible." (see atleast McKay Abstract and Summary, and paras [0012], [0015], [0028], & [0030]—[0031])

McKay teaches as disclosed above, but it does not teach gathering data from a plurality of different computer databases that are incompatible. However, Huff teaches it. (see atleast Huff Abstract and Summary, and FIG. 1 & FIG. 2, and their text description)

It would have been obvious to an ordinary person of skill in the art at the time invention was made to modify the teachings of McKay with those of Huff about gathering data from a plurality of different computer databases that are incompatible. The motivation to combine these references would be to provide a more efficient, timely, and effective method for gathering data from a plurality of different and incompatible computer databases.

Claim 3:

With respect to dependent Claim 3, McKay teaches a method of "translating the

stored data in the central controller into a single compatible database."

(see atleast McKay Abstract and Summary, and paras [0015], [0027]—[0028]

and [0030]—[0031])

McKay teaches as disclosed above, but it does not teach about gathering data from a plurality of different computer databases and translating. However, Huff teaches it. (see atleast Huff Abstract and Summary, and FIG. 1 and FIG. 2, and their text description, and C 3, ~L 17-34; C 5, ~L 26-31; C 6, ~L 44-49; and C 11, ~L 29 to C 12, ~L 13)

It would have been obvious to an ordinary person of skill in the art at the time invention was made to modify the teachings of McKay with those of Huff about gathering data from a plurality of different computer databases and translating. The motivation to combine these references would be to provide a more efficient, timely, and effective method for gathering data from a plurality of different computer databases.

Claim 8:

With respect to dependant Claim 8, McKay teaches a method of "processing the

stored data in the single database to create a series of quality metrics and using

the series of quality metrics to judge the performance of one or more of the plurality of suppliers." (see atleast McKay Abstract and Summary, and paras [0012], [0014]—[0017], and [0027]—[0031])

Claim 14:

With respect to dependant Claim 14, McKay teaches a method to "generate a non-conforming material report whenever a defective product is supplied to the vendor." (see atleast McKay Abstract and Summary, and paras [0012], [0019]--[0020] and [0027]—[0031])

Claim 15:

With respect to dependant Claim 15, McKay teaches a method for "transmitting the non-conforming material report to the supplier." (see atleast McKay Abstract and Summary, and paras [0012], [0019]-- [0020] and [0027]—[0031])

Claim 16:

With respect to dependant Claim 16, McKay teaches a method for "requesting a corrective action report from the supplier whenever a non-conforming material report is generated." (see atleast McKay Abstract and Summary, and paras [0012], [0019]--[0020] and [0027]—[0031])

9. Claims 4-7 and Claims 9-12

Claims 4-7 and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKay in view of Huff as discussed in Claim 1 analysis and further in view of US Patent No. 6,081,840 issued to Zhao, Yan and filed on October 14, 1997 and titled: "Two-Level Content Distribution System" (hereinafter "Zhao").

McKay and Huff do not teach the features of 'real time' or 'near real time' (for claims 4-7), and 'global communications network' and 'internet' (for claims 9-12). However, Zhao teaches these features. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the features of Zhao, such as 'real time' or 'near real time' (for claims 4-7) and 'global communication network' and 'internet' (for claims 9-12) with those of McKay and Huff, because the combination of these references would allow users to have access to this data 24 hours a day on a world-wide-web (www) basis from a computer located anywhere in the world.

Claims 4-7:

With respect to "real time" or "near real time" of Claims 4-7, Zhao teaches this concept, which is recited as follows, "When any management table, collection, or content file update occurs in the source server (i.e., central controller), the source content manager 42 will send a message to the data replication manager 46 to start a data replication. The data replication manager 46 then controls the process whereby the data is copied from the source server to the local server(s). This can also be done on a scheduled basis instead of automatically (i.e., real time) as described above." (please see lines 8-15, Column 7). All other limitations of dependent Claims 4-7 have been addressed in

the rejection of Claims 1-3, 8 and 14-16 to include the claim amendments of 'translating' (in Claim 6) and 'manipulating' (in Claim 7).

McKay and Huff do not teach the features of 'real time' or 'near real time' (for claims 4-7). However, Zhao teaches these features. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the features of Zhao, such as 'real time' or 'near real time' (for claims 4-7) with those of McKay and Huff, because the combination of these references would allow users to have access to this data instantaneously as it became available from a computer located anywhere in the world.

Claims 9-12:

With respect to "global communication network" of Claims 9-11 and "internet" of Claim 12, Zhao teaches that "The communications network 12 can be any communication network system which allows the source and local servers to communicate with each other and exchange data. The local servers 14 and 16 are connected over the communications networks 18 and 20 to the end users 22, 24, 26 and 28 as illustrated." (please see atleast Zhao Column 4, lines 3-15), and Zhao further teaches that "The networks 18 and 20 may be the same as the network 12, or may be different. For example, communications may be by use of the Internet system between all of the components of the content distribution system, or networks outside the Internet, such as LAN's or other dedicated networks, may be used for portions of the network communications interconnecting the servers and users." (please see atleast Zhao Column 4, lines 19-41).

McKay and Huff do not teach the features of 'global communications network' and 'internet' (for claims 9-12). However, Zhao teaches these features. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the features of Zhao, such as 'global communication network' and 'internet' (for claims 9-12) with those of McKay and Huff, because the combination of these references would allow users to have access to this data 24 hours a day on a world-wide-web (www) basis from a computer located anywhere in the world.

10. Claim 13:

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over McKay in view of Huff as discussed above, like in Claim 1 analysis, and further in view of the QualTrend software disclosed in an article by Elizabeth M. Gruber ("Gruber" hereinafter) titled "Enterprise Manufacturing Intelligence System" and another article titled "QualTrend FAQ's" from their website, qualtrend.com ("QualTrend" hereinafter), wherein it clearly shows that this "color-coding" is a known capability of the QualTrend software.

With respect to Claim 13, the "quality of performance" of any supplier is generated "using a color-coding scheme" is a known prior art and a known capability of the software package QualTrend. The QualTrend FAQ's article referenced above states, "QualTrend's Dashboard uses a red-yellow-green, "traffic light" style display for identifying areas of non-conformance to pre-defined KPI's; corrective action resources can be immediately directed to areas requiring attention. Additional custom dashboards can be created, and alarms pro-actively

triggered to respond and notify anyone in the system." (please see answer to the last question at end of page 2 of the enclosed article from the QualTrend website); and this is identical when compared to this applicant's Specification from Page 6, line 29 to Page 7, line 5, wherein is described the use of "color-coding scheme" with the color "green" as "first range" (i.e., safe range), color "yellow" as "second range" (i.e., caution range), and color "red" as "third range" (i.e., danger range). Further, the Examiner respectfully notes that the inventors and/or the assignees have not disclosed all of the information material to patentability, for example, there is no explanation of how the current invention is different from the software packages described in the applicant's 12-page Specification, including QualTrend and WinSPC, and no documentation of the capabilities of these software packages, and specifically, how the current invention improves upon the QualTrend software whose capabilities are described as an 'enterprise manufacturing intelligence system'[1].

McKay and Huff do not teach the 'color-coding scheme' for rating performance of a supplier. However, Gruber and QualTrend articles teach it. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the features of Gruber and QualTrend, such as 'color-coding scheme' with those of McKay and Huff to rate the performance of a supplier, because the combination of these references would allow a user to view and decipher this rating data on suppliers quickly based on the color-coding scheme.

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[1] Per Gruber, Elizabeth in "Modern Machine Shop", May 2001, in article titled: "Enterprise Manufacturing Intelligence System". (page 207)

Response to Arguments

11. Applicant's Remarks and Arguments dated May 12th, 2008 with respect to Claims 1 -16 have been carefully considered, but they are not persuasive.

As noted above in paragraphs 3 to 6, the Examiner has withdrawn the various types of objections in the previous Office Action with respect to: Abstract Objections, Specification Objections, Priority Date Claim Objections and Claim Objections.

The rejection of amended Claims 1-16 under 35 USC 103(a) by the Examiner is being maintained, and the Examiner respectfully disagrees with the arguments submitted by the Applicant, since 'translating' is taught by the Huff reference, and 'manipulating' is taught by both the references, McKay and Huff.

In response to applicant's arguments against the references individually, especially the McKay reference, one cannot show nonobviousness by attacking references individually, where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to Applicant's arguments that the McKay reference does not teach about a central controller/computer, Examiner quotes from McKay reference as follows (emphasis added): "The present invention seeks to eliminate or reduce the above inefficiencies by providing a centralized storage system and process for creating, editing and storing auditing schedules, reports, and reference materials via a collaborative, web-enabled workgroup application." (please see last 3-4 lines of para [0004] of the McKay reference).

Additionally, the Huff reference also discloses a 'central server database' as follows (see C 4, ~L 48-56):

- "a data status and management mechanism coupled to the normal text and graphics interface for monitoring quantity and quality of data;
- a manual keying interface coupled to the central server database for inputting and correction of data; and
- a data conversion and automated input coupled to the central server database for converting data into usable format and inputting large data files."

Further, the Applicants are informed that the references cited in the rejection of claims must be read in entirety as other passages and drawings may also apply. For example, but not limited to, to answer the Applicant's doubts about McKay's teachings, it teaches as follows (please see Abstract and Summary as a minimum, and specific lines of para [0005] are quoted below as ready reference):

> "An exemplary embodiment of the invention relates to a computer-based method and system for supply chain management, and more particularly, this invention relates to a method and system for gathering and disseminating quality performance and audit activity in an extended environment. The system includes a manufacturing enterprise system comprising a host system operating a web server, an applications server, and a database manager, a data storage device in communication with the host system, and at least one terminal for accessing the host system. The manufacturing enterprise system runs on a network that is

coupled to the Internet and is accessible to an outside enterprise or trading partner identified with having proper access permissions."

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is:

a. Ben Porat, et. al., Publication Number WO 01/ 04775 A2 claiming priority date of July 14, 1999 and titled: "A Method for Constructing a Homogeneous Electronic Catalog".

b. Wetherbee, Jonathan per US Patent No. 5,937,409 claiming priority date of July 25, 1997 and titled: "Integrating Relational Databases in an Object Oriented Environment".

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanjeev Malhotra whose telephone number is 571-272-7292. The examiner can normally be reached on Flexible schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

14. Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, these are minimum citations and other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

/SM/
30 July, 2008

/James P Trammell/
Supervisory Patent Examiner, Art Unit 3694